IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12899 of 2005

Between:

M.Rama Chandra Rao, S/o.Bhaskara Rao,
Civil , Mechanical & Electrical Works, Office situated at D.No.4-37-22/2, Lawson's Bay Colony, Visakhapatnam-17.

..... PETITIONER

AND

1 The Central Ware Housing Corporation, 4/1, Siri Institutional Area, August Kranti Marg, New Delhi-16, Rep by its Chairman and Managing Director,
2 The Executive Engineer, Central Ware Housing Corporation,
Construction Cell, Pallavi Complex, No.9, Mission Road, Bangalore-560 027.
3 The Branch Manager, State Bank of Hyderabad, Suryabagh Branch,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proposed action of the respondent 1 and 2 in encashing/revoking the Bank Guarantees No.9/2003-04 for Rs.10,00,000/- and Bank guarantee No.37/2003 for Rs.5,10,000/- drawn on 3rd respondent bank in respect of work order proceedings No.CWC/CC-BNG/1(26)2002-03/683, dt.15-11-2002 by respondent 1 and 2 as arbitrary, illegal, and consequently direct the respondents not to encash the same while directing the final settlement of the bills and pass such other order or orders.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR/ Mr.P.V.L. Bhanu Prakash.

Counsel for the Respondents 1 and 2: MR.G.RAMACHANDRA RAO

This Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.12899 OF 2005

O R D E R:

Mr. P.V.L. Bhanu Prakash, Advocate, representing Sri P.B. Vijay Kumar, the learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to approach the Civil Court.

Permission is accorded.

Accordingly, granting leave and liberty, the writ petition is dismissed as withdrawn. No costs.

(G. ROHINI, J)

Date: 20-06-2005

ghn

To

1 The Chairman and Managing Director, the Central Ware Housing Corporation, 4/1, Siri Institutional Area, August Kranti Marg, New Delhi-126,

2 The Executive Engineer, Central Ware Housing Corporation, Construction Cell, Pallavi Complex, No.9, Mission Road, Bangalore-560 027.
3 The Branch Manager, State Bank of Hyderabad, Suryabagh Branch, Visakhapatnam.

4 Two C.D copies